

MANAGEMENT INFORMATION SERVICE

Report Number 13

Apr. - '46

INTERNATIONAL CITY MANAGERS' ASSOCIATION
1313 EAST 60TH STREET - CHICAGO 37, ILLINOIS

Route To:

This report was prepared in response to an inquiry from a municipality subscribing to this Service, and because of its general interest is distributed to all subscribers.

Return To:

UNIONS IN POLICE DEPARTMENTS

To What extent have unions been organized in police departments and how do they operate? What is the Fraternal Order of Police?

Cities with Police Unions. At the beginning of 1946 the American Federation of State, County, and Municipal Employees (A.F. of L.) had locals composed entirely of policemen in 49 cities. The State, County and Municipal Workers of America (CIO) in 1944 attempted without success to organize a local in the Detroit police department and since that time has not concentrated on organizing policemen, although some of its locals for general city employees include some police.

Police employee locals were organized by the AFSCME in 17 cities in 1944 and in 18 cities in 1945. According to the AFSCME, local unions composed entirely of policemen are found in: Tuscaloosa, Alabama; North Little Rock and Pine Bluff, Arkansas; Los Angeles, California; Bristol, East Hartford, Hartford, New Haven, and Waterbury, Connecticut; Miami, Florida; Augusta, Georgia; Chicago, Joliet, Springfield, and Streator, Illinois; New Albany, Indiana; Keokuk, Iowa; Coffeyville, Hutchinson, and Wichita, Kansas; Louisville, Kentucky; Alexandria, Bogalusa, Monroe, and Shreveport, Louisiana; Rochester, Minnesota; Hattiesburg, Jackson, and Meridian, Mississippi; Hannibal, St. Louis, and Sedalia, Missouri; Lincoln and Omaha, Nebraska; Nashua, New Hampshire; Charlotte and Durham, North Carolina; Portland and Salem, Oregon; Columbia and Spartanburg, South Carolina; Chattanooga, Tennessee; Portsmouth, Virginia; Bremerton, Spokane, and Tacoma, Washington; LaCrosse, Wisconsin; and Sheridan, Wyoming. The only city of less than 10,000 population with a police local is Centralia, Washington.

In addition, the AFSCME locals for general municipal employees in 14 other cities include some policemen in their membership: Inglewood, Long Beach and San Fernando, California; New Iberia, Louisiana; Ferndale and Holland, Michigan; Duluth, Minnesota; Middletown, New York; Grand Forks, North Dakota; Huron, South Dakota; Jackson, Mississippi; Beaver Dam, Manitowoc, and Two Rivers, Wisconsin.

Methods of Operation. In Hartford and New Haven, Connecticut, police locals operate under terms of an ordinance passed by the city council which grants recognition and collective bargaining to all employee unions in these cities. Police unions do not have written agreements with cities except in Bogalusa, Keokuk, and Sedalia. The Keokuk working agreement covers matters generally included in personnel rules, such as length of regular work week, order of layoffs, handling grievances and vacations and other leaves of absence. According to the AFSCME dues must be at least \$1 a month, and the initiation fee is \$2 but may be as high as \$10.

Requests for a police local, according to the AFSCME, come from the police themselves who may or may not advise the police chief and chief administrator in advance, depending upon the general attitude of these officials. The local is granted a charter by the AFSCME and elects its own officers and holds meetings generally once a month. The charter provides that the local may not use the strike weapon, and may not even threaten to strike. In accepting this provision

(OVER)

the local renounces the use of the strike; the charter of any police local engaging in a strike is revoked automatically. The AFSCME supplies the local with a framework constitution which can be changed in any way the local desires so long as the final document does not conflict with the provisions of the international union constitution.

Comments From Cities with Police Locals. An official of a city which has had a police local for several years, recently wrote ICMA: "The union definitely gives union members a great advantage in political circles when election comes up, and our city is a union city. A little over half of the policemen are dues paying members of the police local. Our relations have been excellent...I have no objection to them whatsoever and find that as long as the leadership is sound that they are responsible, cooperative, and very good to work with." The official of another large city merely wrote: "I do not have any official information regarding unions among employees... Probably not as many as half of the police personnel belong." An official of another city states that he will not receive representatives of the local to discuss working conditions, salaries, etc.

Telegraphic inquiry among the top officials of a few cities in which the AFSCME has locals brought these results: Lincoln, Nebraska--approximately 10 per cent belong to local which is dormant. Los Angeles, California--at no time did union membership include half of police officers and number now decreasing (membership prohibited by recent action as noted below). Louisville, Kentucky--union say that they have two-thirds of force as members; this is doubtful. Hutchinson, Kansas--police union is a most helpful organization. Encouraging better police procedure and promoting harmony in department.

Police Unions Disbanded. During 1945 AFSCME locals composed entirely of policemen were disbanded in six cities: Burbank, Glendale, and Long Beach, California; Fargo, North Dakota; and Beaumont and Port Arthur, Texas. The AFSCME claims to have a police local in Chicago, as indicated above, but apparently the Chicago local is not doing well because inquiry among four or five top officials in the city hall indicates that the local does not exist. But according to the police lieutenant (recently suspended from force) who is president of the Chicago local it has 1,845 members. In Long Beach some policemen transferred their union membership to the general city employees union.

Top officials in four cities in which police locals were abandoned in 1945 recently were asked by ICMA to comment on their experience with such organizations. The official of one city reported: "When the police union was organized several years ago about 90 per cent of the men joined, but the union was never active and was abandoned last year. We did not recognize the union." The official of another city wrote: "We have unions in four departments but the one in the police department was dissolved last year. We do not object to employees belonging to any union, and we do not inquire as to whether they belong to a union, but we permit no union activities on city time nor do we allow the employees to be represented by any nonemployee in their negotiations or discussion with the representatives of the city. Even though no union exists at present in the police department some members still feel sympathetic toward organized labor and during strike problems a small amount of embarrassment was caused the city by this sympathy." The official of the third city wrote: "When the police local was organized, about one in

every five police officers joined, but last year during a local industrial strike most of these officers, brought face to face with the fact that certain labor elements were violent and criminal, decided that a union was not necessary and surrendered their charter." A fourth city wrote: "The police local operated about one year and is now defunct because of lack of membership due to nonpayment of dues and lack of interest. At the time that it was organized slightly more than one-half of the police force (patrolmen, sergeants, and detective inspectors) belonged to the local."

Cities Prohibiting Police Unions. Cities which have prohibited police from affiliating with a labor union include Wichita, Kansas; Los Angeles, California; Kansas City and St. Louis, Missouri; Detroit, Michigan; Boston, Massachusetts; Chicago, Illinois; and Jackson, Mississippi.

The city council of Wichita, Kansas, on March 1, 1946, adopted a statement of policy reaffirming its action of January 15 that "no recognition of any kind would be given a police union." The council stated further that "continued union activities will impair the integrity of the police service for the local citizens." The council statement also outlined the conditions under which seven police officers who had been dismissed from the service would be considered for reinstatement:

"There must be a showing that there has been a complete abandonment of all union affiliations...If a local organization composed only of members of the Wichita police division is believed desirable, it will be initiated in an open meeting of all members of the police division and the following principles must be observed: (a) the responsibility and authority of the city commission to prescribe the conditions of employment will be recognized, (b) the responsibility and authority of the administrative officials and commanding officers to determine police operating procedures will be observed, and (c) no identity as a union will be used in the name of the organization."

The council stated that if dismissed police employees would conform to these policies they would be reinstated to their rank and pay in effect when they were released and would be placed on a six-months probationary period. The opposition of the city council to a union in the police department was based in part on the manner in which the union was started, and also on the action of local labor groups. The union was organized secretly without the knowledge of the commanding officers or of the city manager and council. A majority of the 164 policemen, according to the American Federation of State, County and Municipal Employees (AFL) had applied for a charter, but when the local union membership list was published recently it contained the names of 73 men, including the seven dismissed officers, 25 of the men being war service appointees, and most of the remaining men had very little seniority.

The council also opposed the outside affiliation of the police because it was felt that there would be an effort to inject the trade union principles of pressure and intimidation into a governmental program, and this feature was emphasized when representatives of the local central labor organization made threats of political action at a regular council meeting during a discussion of the police union. The council did not believe that practices in vogue in private industry should be applied to the public service. In view of the local situation and the attitude of the public, the council believed they had no alternative but to refuse to recognize the police union, and the administrative officials felt that the union activities were disrupting and impairing the efficiency of the police service to such an extent as to warrant dismissal of the police union officials.

(OVER)

The state district court on March 21, 1946, denied the petition for a writ of mandamus to compel the city manager to reinstate the seven police officers who had been dismissed for union activities in defiance of the policy adopted by the city council. In upholding the authority of the city manager the court held that such dismissal was not in violation of the first and fourteenth amendments to the federal constitution, and that the city manager had the legal right to appoint and remove the heads of departments and all subordinate officers. The city of Wichita in filing its answer to the plaintiff's request for a writ of mandamus pointed out that the plaintiff policeman had had a hearing before the personnel advisory board, that membership in the union resulted in divided loyalty and allegiance inconsistent with the allegiance which he owed to the police chief and to the citizens of Wichita, and had impaired his efficiency as a police officer and the efficiency of the entire police force.

Reports from Wichita city officials indicate that many of the police union members have resigned their union membership and the program apparently is being abandoned. Four of the dismissed policemen renounced their union membership and have been reinstated as patrolmen. On April 13, 1946, less than 10 policemen still were members of the local.

In Los Angeles a police local of the AFSCME was established in 1945. When Mayor Fletcher Bowron on March 6, 1946, vetoed an ordinance providing for a check off system for police union dues he stated in part: "I feel that a police union has no place in the organization of the police department of this city...and its existence is...contrary to sound public policy and against the public interest...Numerous strikes with accompanying violence have demonstrated that police officers must be neutral in fact as well as in appearance in all matters where organized labor is involved...I urge the city council to support me...in the administrative policy which I propose to be put into effect which is as follows: That no police officer in the Los Angeles police department shall be a member of any labor union...Membership in any labor union may impair the freedom and independence necessary for the proper preservation of peace in controversies between employer and employees or in jurisdictional strikes between different labor unions. I long ago reached the conclusion that the Los Angeles police department union must go."

Following this action by the mayor, the Los Angeles Board of Police Commissioners on March 12, 1946, adopted a resolution prohibiting policemen from affiliating with a labor union. The resolution reads in part as follows:

"BE IT RESOLVED by the Police Commission of the City of Los Angeles, California, that: 1. No police officers of the Los Angeles police department shall hereafter be or become a member of any police officer's organization in any manner identified with any trade association, federation or labor union which admits to membership persons who are not members of the Los Angeles police department, or whose membership is not exclusively made up of employees of the city of Los Angeles. Any police officer now a member of such union shall have thirty (30) days from this date within which to disassociate himself from such organization.

"2. No association of police officers of the city of Los Angeles shall be affiliated with any trade association or labor union which admits to membership persons who are not employees of the city of Los Angeles.

"3. Except as above stated nothing herein shall be deemed to reflect upon labor organizations generally nor shall this rule prevent or preclude members of the police department from associating themselves together with or within an organization of employees of the city of Los Angeles or to apply to the chief of police, the police commission, the city council or the mayor, or any other governmental agency of the city of Los Angeles, in person or through representative of their choice, for redress of grievances."

The mayor of Louisville, Kentucky in a recent statement regarding a police union established in 1945 announced that the city would not deal with union committees, as such, of any organization having "outside connections," and that if the police union becomes "detrimental in any way to the department, such as in discipline," membership will be prohibited.

When the CIO attempted to organize the Detroit police in 1944 the police commissioner on March 27, 1944, issued an order which stated in part: "A member of the police department is prohibited from affiliating with a labor union or an organization which will in any way exact consideration and prevent him from performing full and complete police duty. A member of the department who affiliates with such a labor union or organization will be subject to immediate dismissal."

The St. Louis, Missouri, police board on December 20, 1945, in dismissing two policemen who were leaders in organizing a police union stated in part: "There is necessarily implicit in this oath the duty to support the objectives which are realized by the strike, the boycott, and the picket line, the essential weapons of the union...Is it possible to contend that they (police) would stand aloof and remain impartial in the controversies and conflicts which arise from the use of such weapons by their sister unions?" The president of the St. Louis police board, however, termed the board's rule against unionization "unreasonable, arbitrary, and unconstitutional." The St. Louis police local has over 900 members. The state police board in Kansas City followed the lead of the St. Louis board.

In Boston the police commissioner in April, 1944, warned police employees that peremptory punishment would follow affiliation with the AFSCME, the commissioner's order being based upon a department ruling banning unions issued after the police strike in 1919.

The basis for the order of the Chicago police commissioner in 1944 in prohibiting police from joining a union was a comprehensive opinion of the city's corporation counsel. This opinion pointed out that police have no right to strike at any time and that the city is without power to enter into a contract, to permit the closed shop, or to enter into a check off arrangement. It stated further that the city had power to prohibit police from becoming members of a labor union.

The Jackson, Mississippi, action has attracted wide interest. The supreme court of Mississippi on January 14, 1946, in City of Jackson V. McLeod, 24 So. 2d. 319, upheld the dismissal of 34 policemen in Jackson on grounds of (1) insubordination, and (2) acts tending to injure the public service. The policemen had joined a local of the American Federation of State, County and Municipal Employees and had refused to resign their membership. Their dismissal by the mayor in June, 1944, was upheld by the civil service commission but a trial by jury in circuit court in May, 1945, found against the city of Jackson which then appealed to the supreme court. This court pointed out that police must perform their duties without favoritism and should be "free from obligation of any other allegiance whatsoever." The court had reference to the pledge which each member of the local union was required to take. "I...pledge my honor to observe faithfully the constitution and laws of this local...not to make public any of the private proceedings of this local...support the products and services of organized labor...and at

(OVER)

all times to bear true and faithful allegiance...to the labor movement in general." The dissenting opinion stated in part: "....this does not mean that the right to organize, assemble, and petition for the redress of grievances...can be abridged or curtailed so long as there has not been an abuse of these constitutional guaranties." Most of the 34 policemen who were dismissed have been re-employed by the city.

The International Association of Chiefs of Police in its bulletin entitled "Police Unions and Other Police Organizations" (September, 1944. 30pp.) states that the majority opinion appears to be that police unions affiliated with labor organizations are contrary to the basic nature of police duties, that state and municipal governments are vested with constitutional authority to adopt a policy prohibiting public employees from affiliating with such organizations, and that the movement to organize police unions has met with little success due to rulings or policies of public officials.

Fraternal Order of Police. The FOP is not a fraternal order in the generally accepted use of the term. While not affiliated with any labor organization it is similar to a labor union and in addition is a semi-secret organization. In some communities it has solicited contributions from businessmen, especially those doing an interstate business, for benefits, balls, and picnics, under the guise of charity and also for advertisements in a publication issued by the Order. Membership is not restricted to police officers; citizens can become associate members, and this provision together with the practice of solicitation of funds make possible the extension of special courtesies which could readily conflict with the sworn duties of a police officer.

Many cities have had no difficulty with local "lodges" of the FOP, but in some cities the FOP has sought unfair and selfish legislation, such as taking the control of pension funds out of the control of the city council, restricting police contributions to the retirement fund to a lower percentage of salaries than the amount contributed by other employees, giving policemen so many appeals that dismissal from the service would become so difficult as to become almost impracticable as a means of maintaining discipline, and fixing salaries in charter amendment or state law entirely out of line with prevailing rates of pay and discriminating against other employees.

For these reasons the police departments of some cities have prohibited members of the department from affiliating with the FOP. The police commissioner of Detroit in 1943 issued such an order after he learned that a detective and a patrolman had left their tour of duty without permission to attend a meeting at which an attempt was made to organize a local of the FOP. After a hearing before the police trial board both officers were discharged from the department. The police commissioner of Detroit in a special memo to the city council stated that in his opinion the organization would be detrimental to the police department. The two officers who were removed knew at the time they accepted membership in the FOP that it has been expressly prohibited by a similar departmental order issued in 1919. Lansing, Michigan, in 1944 likewise prohibited police officers from becoming members of the FOP and the state supreme court of Michigan upheld the action, stating that the fact that associate members were furnished with membership cards and a car emblem, indicating that special privilege would be conferred on members, was sufficient to support the decision of the police board that membership in the organization was contrary to local

(OVER)

public policy. This case came before the United States Supreme Court where the FOP sought a reversal of the Michigan court ruling but the petition for a writ of certiorari was denied.

According to the 1945 Municipal Year Book, 163 cities over 10,000 population had FOP lodges; during 1944 seven lodges had been started and 14 disbanded. Early in 1946 the FOP did not reply to ICMA requests for information on the number of cities with lodges.

Conclusion. Affiliation by police organizations with outside labor groups is one of the principal objections of some city officials to a police union. Another objection is that where a portion of the employees may be affiliated with the union there is a clash between the union and nonunion members. City officials also object to secret meetings held by local unions. In some cities it is reported that the police union exerts considerable pressure in the selection of the police chief and commanding officers in which case union politics is substituted for the merit system. Other reasons for prohibiting police unions are cited above in the recent actions taken in Wichita and Los Angeles. Police locals in some cities, however, apparently have not interfered with the administration of police work. Whether police should be permitted to affiliate with an outside labor group is a question to be decided locally and it would seem desirable for the city to adopt a policy before any crisis arises.

